

Intellectual Property news

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COP26 and Climate Change Mitigation Technologies

In November 2021, the United Nations Climate Change Conference – COP26 took place in Glasgow, where signatory countries met to address climate change and make commitments, such as reductions in greenhouse gases (GHGs), that will directly impact the process of global warming and climate change, as well as protection of communities and natural habitats.

As a result of the conference, which was postponed from 2020 to 2021 because of the covid-19 pandemic, Brazil undertook to make a 50% reduction in GHGs by 2030, in comparison with 2005 levels. And as a signatory to the Global Methane Pledge led by the European Union, Brazil also committed to a 30% cut in methane emissions by 2030. Although additional mechanisms are needed to ensure that Brazil and other countries will effectively fulfill the commitments made at COP26, the conference establishes a milestone in the transition from the current industrial model to an environmentally more sustainable system.

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Financial Independence for the Brazilian Patent and Trademark Office: a judicialized debate

In September of this year, the Brazilian Intellectual Property Association (“ABPI”) brought a collective interest action with a view to ensuring the financial independence of the Brazilian Patent and Trademark Office (“INPI”) - Public Civil Action no. 50957105520214025101. The ABPI filed said action after the Supreme Federal Court (Brazil’s constitutional court) ruled on Constitutional Challenge no. 5529, which analyzed the constitutionality of the provision of the Industrial Property Law (Law 9.279/96) that extends the term of a patent if the INPI takes more than 10 years to examine the relevant patent application.

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INPI changes its position on when right of precedence claims regarding trademarks can be made

The Brazilian Patent and Trademark Office (“INPI”) has changed its position on when right of precedence in registering a trademark can be claimed. Until recently, the INPI took the position that such right could only be claimed when opposing a third party’s trademark application. With this change, the INPI now allows right of precedence claims to be also made in administrative nullity requests against registered marks.

This change of position was formally made in INPI’s Opinion (Parecer) no.

00043/2021/CGPI/PFE-INPI/PGF/AGU , published in the Official Gazette No. 2652 of November 3, 2021, which was given binding effect by the President of the INPI.

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Regulations are issued on Brazil's National Intellectual Property Strategy

Twelve months after the Ministry of the Economy announced the National Intellectual Property Strategy ("IP Strategy"), Decree 10.886/2021, published on December 7, 2021, issues regulations on actions under the IP Strategy for the period 2021-2030.

According to the Decree, over the next 10 years a series of actions related to intellectual property ("IP") will be carried out, following the strategic guidelines established by the IP Strategy, which include (i) dissemination, education and training in IP, (ii) modernization of the legislative and regulatory frameworks, (iii) intelligence and future outlook, and (iv) Brazil's integration into the global IP system.

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